

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

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ADAM ROMANOWICZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.:
	:	
ZOE CONSULTING GROUP, INC.,	:	COMPLAINT AND JURY
	:	DEMAND
Defendant.	:	
	:	
	:	

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**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, ADAM ROMANOWICZ (“Romanowicz” or “Plaintiff”), brings this complaint in the United States District Court for the Northern District of Ohio against ZOE CONSULTING GROUP, INC. (“Zoe” or “Defendant”), alleging as follows:

**PARTIES**

1. Romanowicz is an experienced commercial photographer with over twenty years of experience and specializing in travel and landscape photography. Romanowicz’s work is regularly featured on television shows, calendars, magazines, store displays, and websites. Romanowicz resides in Bloomingdale, Illinois.
2. On information and belief, Defendant is an Ohio Corporation existing under the laws of the State of Ohio, with headquarters in New Albany, Ohio. Defendant owns, operates, and is solely responsible for the content on its commercial website, [www.zoaconsultinggroup.com](http://www.zoaconsultinggroup.com).

**JURISDICTION AND VENUE**

3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).

4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
5. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b), because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.
6. Defendant is subject to personal jurisdiction in Ohio.
7. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

**FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

8. Plaintiff captured the photograph, “Columbus Ohio Skyline at Night” (“Copyrighted Photograph”) on July 12, 2017. [Exhibit 1]. Plaintiff captured Copyrighted Photograph using great technical skill and careful timing, as well as significant time and energy.
9. Plaintiff registered Copyrighted Photograph with the United States Copyright Office on July 18, 2017 (Registration No.: VA 1-281-805). [Exhibit 2].
10. On or about August 1, 2017, Plaintiff posted Copyrighted Photograph to [www.3scape.com/pic/10450/Columbus-Ohio-Skyline-at-Night](http://www.3scape.com/pic/10450/Columbus-Ohio-Skyline-at-Night) (Last visited October 23, 2020). [Exhibit 3].
11. Plaintiff attached the following notice to Copyrighted Photograph: “3scape.com.” [Exhibit 3].
12. Beginning on or about June 1, 2018, Defendant copied and posted Copyrighted Photograph to the Defendant’s commercial website, [www.zoaconsultinggroup.com](http://www.zoaconsultinggroup.com). (Last visited December 18, 2018). [Exhibit 4].

13. Defendant copied and used Copyright Photograph as a full-page, full-bleed, top-of-the-page image on its commercial website. [Exhibit 4].

14. Defendant copied and posted Copyrighted Photograph without license or permission from Romanowicz.

**COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.**

15. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

16. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Photograph, which is the subject of a valid Certificate of Copyright Registration by the Register of Copyrights.

17. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce and distribute the Copyrighted Photograph to the public.

18. Plaintiff is informed and believes Defendant, without the permission or consent of Plaintiff, copied and used Copyrighted Photograph on Defendant's commercial website, [www.zoaconsultinggroup.com](http://www.zoaconsultinggroup.com). In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.

19. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.

20. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual or statutory damages, including any profits realized by Defendant attributable to the infringement, pursuant to 17 U.S.C. § 504 for Defendant's infringement of Copyrighted Photograph.

COUNT II: REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION PURSUANT TO 17 U.S.C. § 1202

21. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, intentionally removed the copyright management information from Plaintiff's Copyrighted Photograph before displaying Copyrighted Photograph on Defendant's commercial website, [www.zoaconsultinggroup.com](http://www.zoaconsultinggroup.com). In doing so, Defendant violated 17 U.S.C. § 1202(a)(1) and (b)(1).
22. As a result of Defendant's actions, Plaintiff is entitled to actual or statutory damages pursuant to 17 U.S.C. § 1203(c). Plaintiff is further entitled to their attorney's fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, its officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendant intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;

- D. Awarding Plaintiff actual and/or statutory damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorney's fees, and disbursements in this action, pursuant to 17 U.S.C. § 505, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and
- F. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: October 28, 2020

\_\_\_\_/s/ David C. Deal \_\_\_\_\_  
David C. Deal (VA Bar No.: 86005)  
The Law Office of David C. Deal, P.L.C.  
P.O. Box 1042  
Crozet, VA 22932  
434-233-2727, Telephone  
david@daviddeal.com  
*Counsel for Plaintiff*

EXHIBIT 1



3scape.com

**EXHIBIT 2**

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

A handwritten signature in black ink, appearing to read "Kayleigh Clayett".

Acting United States Register of Copyrights and Director

Registration Number

**VAu 1-281-805**

Effective Date of Registration:  
July 18, 2017

Case # 1-5639304391

**Title** \_\_\_\_\_

**Title of Work:** Unpublished Collection of Photos created Jan 2017 - Jul 2017. (1261 Images)

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2017

**Author** \_\_\_\_\_

- **Author:** Adam Romanowicz
- Author Created:** photograph
- Citizen of:** United States

**Copyright Claimant** \_\_\_\_\_

**Copyright Claimant:** Adam Romanowicz  
PO Box 186, Medinah, IL, 60157-0186, United States

**Rights and Permissions** \_\_\_\_\_

**Name:** Adam Romanowicz  
**Email:** adam@3scape.com  
**Telephone:** (312)970-9894  
**Address:** PO Box 186  
Medinah, IL 60157-0186 United States

**Certification** \_\_\_\_\_

**Name:** Adam Romanowicz  
**Date:** July 18, 2017

**Copyright Office notes:** Basis for Registration: Unpublished collection

## EXHIBIT 3

Screenshot of a web browser displaying a photograph of the Columbus Ohio Skyline at Night.

The page title is "Columbus Ohio Skyline at Night".

The main image shows the Columbus skyline reflected in the Scioto River at dusk. The website address is https://3scape.com/pic/10450/Columbus-Ohio-Skyline-at-Night.

Navigation links include HOME, GALLERIES (selected), ABOUT, CONTACT, and BLOG.

Print Options:

- Art Print (\$18)
- Framed Print (\$56)
- Canvas Print (\$67)
- Metal Print (\$35)

Image Tags:

Columbus is the capital and largest city of the U.S. state of Ohio. It is the 14th-largest city in the United States. Named for explorer Christopher Columbus, the city was founded in 1812 at the confluence of the Scioto and Olentangy rivers, and assumed the functions of state capital in 1816.

Related Images:

Description:

Buy A Print License Image

3scape.com



EXHIBIT 4

The screenshot shows a web browser displaying the Zoá Consulting Group website. The URL https://www.zoaconsultinggroup.com is visible in the address bar. A banner at the top states "This site was designed with the Wix.com website builder. Create your website today." with a "Start Now" button. The main header features a blue globe logo and the text "Zoá CONSULTING GROUP". Below the header is a large black and white photograph of a bridge over water at night. A grey overlay box contains the text "DEVELOPING INNOVATIVE STRATEGIES" and "ACHIEVING GROWTH". At the bottom is a blue call-to-action bar with the phone number "614-271-6337".